

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDREA FAIN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. C24-5622-MLP

ORDER DIRECTING PARTIES TO
FILE SUPPLEMENTAL BRIEFING

In this case, Plaintiff argues that the ALJ erred by not evaluating the lay witness statements (dkt # 15 at 17), while the Commissioner contends that ALJs are not required to articulate their consideration of nonmedical source statements (dkt. # 20 at 16). Notably, on March 7, 2025, the Ninth Circuit Court of Appeals held that:

The revised Social Security regulations are clearly irreconcilable with our precedent requiring “germane reasons” to reject lay witness testimony. Thus, our “germane reasons” precedent no longer applies to claims filed on or after March 27, 2017, and in considering such claims, ALJs need not explain their reasons for discounting evidence from nonmedical sources, such as the claimant’s friends and family.

Hudnall v. Dudek, 2025 WL 729701, at *3 (9th Cir. Mar. 7, 2025).

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1 The Court finds that supplemental briefing would be beneficial in this case. Accordingly,
2 **on or before March 17, 2025**, Plaintiff is ORDERED to file a supplemental brief, **no longer**
3 **than five pages**, addressing the effect of the *Hudnall* decision on the ALJ's consideration of the
4 lay witness testimony.

5 In turn, **on or before March 24, 2025**, the Commissioner is ORDERED to file a
6 supplemental brief, **no longer than five pages**, responding to the arguments raised in the
7 Plaintiff's supplemental briefing. Both parties are required to support their arguments with
8 citations to relevant legal authorities and the record when addressing these issues.

9 The Clerk is directed to note this matter on the Court's calendar for March 24, 2025.

10 Dated this 10th day of March, 2025.

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12 MICHELLE L. PETERSON
13 United States Magistrate Judge
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